# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☐ Discourt.	☐ U.S.
Christopher Conway		Squad #15	201508539	✓ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Precinct:	18 Mo. SOL	EO SOL
Thursday, 10/01/2015 11:45 AM	Л	19 Allen Street		05	4/1/2017	4/1/2017
Date/Time CV Reported		CV Reported At:	How CV Reported	l: Date/Time	e Received at CCI	RB
Thu, 10/01/2015 11:45 AM		IAB	Phone	Thu, 10/0	8/2015 12:03 PM	[
Complainant/Victim	Type	Home Add	ress			
Witness(es)		Home Add	ress			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Lamont Kirkland	15454	937911	005 PCT			
2. POM Jarrell Stevens	24536	953449	005 PCT			
Officer(s)	Allegati	on		Inv	estigator Recon	nmendation
A.POM Lamont Kirkland	Abuse: I	PO Lamont Kirkland da	amaged § 87(2)(b) s	property.		
B.POM Lamont Kirkland		PO Lamont Kirkland re umber to <sup>§ 87(2)(b)</sup>	efused to provide his	name and		
C.POM Jarrell Stevens		PO Jarrell Stevens refusions to § 87(2)(b)	sed to provide his nar	ne and		

### **Case Summary**

On October 1, 2015, \$87(2)(b) filed this complaint by phone with the Internal Affairs Bureau Command Center, generating original log \$87(2)(b) . This case was received by the CCRB on October 8, 2015, under log \$87(2)(b) .

At 11:25 a.m. on October 1, 2015, PO Lamont Kirkland and PO Jarrell Stevens of the 5<sup>th</sup> Precinct responded to 19 Allen Street in Manhattan for a dispute between a customer and a bus company. PO Kirkland spoke to \$87(2)(b) and \$87(2)(b) \$87(2) who worked at separate companies sharing the same office space, and asked them to provide their business licenses. PO Kirkland allegedly intentionally knocked \$87(2)(b) s framed business license onto the floor, breaking the glass (Allegation A). \$87(2)(b) and \$87(2)(b) then asked PO Kirkland for his name and shield number, which he allegedly did not provide, while covering his shield so they could not read it (Allegation B). \$87(2)(b) also alleged he asked PO Stevens for his name and shield number, which he also did not provide (Allegation C).

# Mediation, Civil and Criminal Histories

- § 87(2)(b) was offered mediation, but he rejected this § 87(2)(b)
- A FOIL request returned by the New York City Office of the Comptroller indicates that as of October 20, 2015, [SS7(2)(b)] has not filed a notice of claim in regards to this incident.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

# **Civilian and Officer CCRB History**

- This is the first complaint filed by \$87(2)(b) with the CCRB (encl. 08 Board Review).
- This is the first allegation filed against PO Kirkland in his three-year tenure with the New York City Police Department.
- PO Stevens has no substantiated allegations against him in his three-year tenure with the New York City Police Department. [\$87(2)(9)

### **Finding and Recommendations**

# Recommendations

#### **Allegations Not Pleaded**

• Abuse of Authority - Refusal to provide name and shield: [87(2)(5)] alleged in an unverified phone statement that PO Kirkland refused to provide her with his name and shield. [87(2)(5)] did not want to cooperate further with the investigation or provide her contact information, home address, or further personal information apart from her work number. [87(2)(9)]

# Allegation A—Abuse of Authority: PO Lamont Kirkland damaged § 87(2)(b) s property

Surveillance video footage from inside 19 Allen Street (encl. 06 Board Review) shows that gave PO Kirkland a document encased in a glass frame through a window. PO Kirkland placed the framed document on the edge of the table on the other side of the window.

Page 2 CCRB Case # 201508539 Shortly after, the frame fell to the ground and broke, and §87(2)(b) can be seen in the footage pointing at PO Kirkland and gesturing in an angry manner.



#### 52C878E0-7C33-4FD0-B108-2E492CCEB2BD.MP4

PO Kirkland indicated that he was holding the frame with his fingers, and when he released his fingers the frame slipped off the table. Because it was on the other side of a glass partition, PO Kirkland could not grab it in time. PO Kirkland denied that he intentionally knocked the frame off the table (encl. 04 Board Review).

did not see the moment the glass broke when it happened, but later he reviewed his surveillance footage and believed that it depicted PO Kirkland intentionally nudging the frame off the table onto the floor (encl. 01 Board Review).

also did not see the moment the frame broke as it happened, but stated that PO Kirkland "knocked" the table and was informed by \$87(2)(5) it was on purpose (encl. 03 Board Review).

PO Stevens did not see the moment the frame broke (encl. 05 Board Review).

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§ 87(2)(g)	

# Allegation B—Abuse of Authority: PO Lamont Kirkland refused to provide his name and shield number to §87(2)(b)

alleged that after PO Kirkland caused his glass frame to fall and break, he asked PO Kirkland for his name and shield. PO Kirkland allegedly did not respond, and covered his nameplate with his hand. Society stated he asked numerous times for PO Kirkland's name and shield, even following him to his RMP, and telling him he would complain about him, and PO Kirkland failed to provide his name and shield.

In her unverified telephone statement, 37(2)(5) alleged that she also asked PO Kirkland for his name and shield, and PO Kirkland replied that he would not give it to her. Due to a slight language barrier 37(2)(5) could not corroborate if PO Kirkland did not provide his name and shield number to 37(2)(5) but she did not independently bring it up.

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PO Kirkland stated that he provided his name and shield number verbally to \$87(2)(b) and also allowed him to look at it. PO Kirkland did not recall if \$87(2)(b) asked him for his name and shield number, and did not either provide it or refuse to provide it to her. PO Kirkland did not cover up his nameplate during this incident.

PO Stevens recalled clearly that strong did not ask *him* for his name and shield number, but believed that strong probably did ask PO Kirkland for his. PO Stevens stated he was "not sure" if PO Kirkland provided it.

Patrol Guide procedure 203-09 mandates that officers provide their names and shield numbers upon request and provide enough time for civilians to document this.

The video footage shows PO Kirkland speaking to \$87(2)(6) and asking him for his business license, while holding his left forearm over his shield in an unnatural fashion (there is no audio on the video footage). PO Kirkland's arm is covering up where his nameplate would be. Upon seeing the video, PO Kirkland's testimony regarding the cover up did not change. After the glass frame broke on video, PO Kirkland stated that this was the time when \$87(2)(6) asked him for his name and shield, and he provided it to him.

Communications records indicate that \$87(2)(b) called 911 at 11:45 a.m. on the incident

date, 11 minutes before the officers marked a final disposition for the radio run (encl. 02 Board Review). PO Stevens even corroborated seeing \$87(2)(5) on the phone during the incident. \$(9)

# Allegation C—Abuse of Authority: PO Jarrell Stevens refused to provide his name and shield number to §87(2)(b)

alleged that he asked both PO Kirkland and PO Stevens for their names and shield numbers. Sa7(2)(b) stated he asked numerous times for PO Stevens' name and shield number, even following him to his RMP, and telling him he would complain about him, and PO Stevens failed to provide his name and shield. Though PO Kirkland allegedly covered his nameplate up, Sa7(2)(b) did not allege that PO Stevens did this.

In her unverified statement, \$87(2)(6) indicated that she did not ask for PO Stevens' name and shield number; she stressed that the "fat one" (identified as PO Kirkland) was the "mean" one and the one who she had a problem with; she had no complaint against PO Stevens.

Video footage does not show PO Stevens and \$87(2)(b) interacting, and even by \$87(2)(b) own statement \$87(2)(b) did not speak to PO Stevens apart from following him to the RMP and asking his name and shield number as both officers walked away.

PO Stevens denied that any civilian asked him for his name and shield number, but believed that (\$87(2)(5) only asked for PO Kirkland's. PO Kirkland also did not believe that any civilian asked for PO Stevens' name and shield number.

§ 87(	(2)(g)			

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§ 87(2)(g)			
Team:			
Investigator:			
Signature	Print	Date	
Supervisor:			
Title/Signature	Print	Date	
Reviewer:			
Title/Signature	Print	Date	
Reviewer:		<u>-</u>	
Title/Signature	Print	Date	